

HOUSE BILL 2354

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 6, Part 1; Title 37 and Section 39-13-306,
relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as "Noah's Law."

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by
adding the following as a new section:

(a) If a custody, parentage, child support, or dependency and neglect proceeding is pending before a court and the noncustodial parent fails to return the child to the custodial parent in accordance with the current visitation order or parenting plan, then the custodial parent may, after reporting the child missing to a law enforcement agency or the Tennessee bureau of investigation, file a motion with the court seeking an emergency order declaring the child to be in imminent danger of serious bodily injury or death and ordering the noncustodial parent to return the child.

(b) The court may issue an order declaring the child to be in imminent danger of serious bodily injury or death and ordering the noncustodial parent to return the child to the custodial parent immediately if the court finds:

(1) The custodial parent and the noncustodial parent are parties in a custody, parentage, support, or dependency and neglect matter currently pending before the court;

(2) The noncustodial parent failed to return the child to the custodial parent on the date and time specified in the current visitation order or parenting plan;

(3) The custodial parent has reported the child as missing to a law enforcement agency or the Tennessee bureau of investigation;

(4) At least forty-eight (48) hours have passed since the noncustodial parent was to have returned the child to the custodial parent under the current visitation order or parenting plan; and

(5) The noncustodial parent has:

(A) Failed to contact the custodial parent within the past forty-eight (48) hours; or

(B) Has failed to return the child to the custodial parent.

(c) If a judge enters an order pursuant to this section, then the clerk of the court shall immediately send, via electronic mail or facsimile transmission, a copy of the order to the law enforcement agency investigating the report of the missing child and to the Tennessee bureau of investigation.

(d) This section does not limit the authority of a law enforcement agency to investigate a report of a missing child, notify local media about a missing child, or issue any form of missing child alert.

(e) As used in this section, "custodial parent" means the parent with whom the child resides more than fifty percent (50%) of the time.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.